

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

KATHRYN M. VILLAVICENCIO,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner of  
Social Security,

Defendant.

CASE NO. 11cv0836-LAB (MDD)

**ORDER ADOPTING REPORT  
AND RECOMMENDATION; AND**

**ORDER OF REMAND**

Plaintiff brought this action to appeal denial of social security benefits. Pursuant to 28 U.S.C. § 636(b)(1)(B) and Civil Local Rule 72.1(c), the matter was referred to Magistrate Judge Mitchell Dembin for report and recommendation. On July 3, Judge Dembin issued his report and recommendation, which he amended on July 6 (the “R&R”). The R&R recommended remanding this case to the administrative law judge (ALJ) for further proceedings. The parties were given until July 24 to file any objections to the R&R they might have, but neither party did so. When neither party files objections to a magistrate judge’s R&R, no review by the Court is required, *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985), although of course the Court has discretion to review the R&R and accept, reject, or modify it. § 636(b)(1).

///

1 The Court **ADOPTS** the R&R, as amended. (Docket no. 21). This action is  
2 **REMANDED** to the ALJ for further proceedings consistent with the Court's ruling in this case.

**IT IS SO ORDERED.**

4 || DATED: July 26, 2012

Camp A. Bunn

**HONORABLE LARRY ALAN BURNS**  
United States District Judge